

**EXHIBIT A**

State of Illinois                     )  
  ) ss  
County of St. Clair                )

**UNSWORN DECLARATION UNDER PENALTY OF PERJURY  
IN SUPPORT OF COMPLAINT FOR FORFEITURE**

I, Kevin Thebeau, do hereby depose and declare under penalty of perjury the following:

At all times relevant herein, I have been a Task Force Officer (TFO) with the Drug Enforcement Administration (DEA). The contents of this Declaration are based on information provided to me during the course of my investigation from participants in the criminal activity, from other witnesses, and from other law enforcement officers.

1. On December 16, 2014, TFO Sergeant Chris Modrusic (TFO Modrusic) and TFO Larry Brantley (TFO Brantley) conducted a traffic stop on a silver Chevy Impala bearing a New Mexico registration for the traffic offense of following too closely on Interstate 70 Westbound at mile marker 18, Madison County, Illinois. TFO Brantley approached the vehicle on the passenger side and spoke with the driver, Eric R. WISNIEWSKI and the passenger Jason A. HUGHES.

2. TFO Brantley informed WISNIEWSKI of the reason for the stop and asked WISNIEWSKI for his driver's license. WISNIEWSKI handed TFO Brantley his driver's license and TFO Brantley requested WISNIEWSKI exit the vehicle. TFO Modrusic took WISNIEWSKI's driver's license and spoke with him inside the patrol vehicle. TFO Brantley remained at the passenger side window and spoke with HUGHES. HUGHES appeared to have been sleeping at the time of the stop and woke up.

3. While speaking with HUGHES, TFO Brantley began a consensual conversation about their travels. HUGHES informed TFO Brantley that his uncle Jimmy had recently passed

away and they were driving back home to Colorado. HUGHES stated that WISNIEWSKI was his cousin and they were both very close with their uncle Jim. TFO Brantley asked HUGHES why he was so tired and HUGHES explained that he had been driving a lot. HUGHES explained how he rented the vehicle in Durango, Colorado and had to drive over seven hours to pick up WISNIEWSKI before their trip even started. TFO Brantley asked HUGHES where the funeral was at and HUGHES stated it was in Pittsburgh, Pennsylvania. When HUGHES explained his uncle Jim to TFO Brantley, HUGHES would pause periodically to think and would look confused. When speaking about details of the trip, HUGHES would attempt to change the subject.

4. TFO Brantley left HUGHES inside of the vehicle and returned to the patrol vehicle to speak with WISNIEWSKI. TFO Modrusic was completing the driver's license check on WISNIEWSKI and was nearly finished. While TFO Brantley had been speaking with HUGHES, TFO Modrusic had entered into a consensual conversation with WISNIEWSKI. TFO Brantley joined the conversation between TFO Modrusic and WISNIEWSKI as they spoke about the funeral. WISNIEWSKI told TFO Modrusic that he and HUGHES had went to their uncle Jim's funeral in Indianapolis and were on their way home. TFO Brantley repeated to WISNIEWSKI the comment WISNIEWSKI made about the funeral being in Indianapolis, Indiana. WISNIEWSKI corrected himself and said that the funeral was technically in a suburb of Indianapolis, Indiana, but he did not know the name. TFO Brantley asked WISNIEWSKI if he and HUGHES both attended the funeral and WISNIEWSKI responded that they did. Due to the different statements made by WISNIEWSKI and HUGHES, TFO Brantley decided to ask more detailed questions about the trip. TFO Brantley asked WISNIEWSKI if their uncle Jim had any children. WISNIEWSKI tilted his head backwards and looked up at the ceiling. WISNIEWSKI turned to face TFO Brantley and had

a confused look on his face. WISNIEWSKI told me he did not know and then re-canted the statement quickly by saying, I think he had one. WISNIEWSKI's reaction seemed odd to TFO Brantley. HUGHES had stated that he and WISNIEWSKI were very close to their uncle Jim. TFO Brantley believed the question asked was one that WISNIEWSKI should definitely know. WISNIEWSKI told TFO Brantley that he thought his uncle Jim had a son that was not blood to him and that his son was his ex-wife's son. TFO Brantley asked WISNIEWSKI for the name of his uncle's son and WISNIEWSKI told TFO Brantley that he did not know the name. TFO Brantley asked WISNIEWSKI if his uncle's son was at the funeral and WISNIEWSKI said no.

5. TFO Brantley exited the patrol vehicle and walked back to HUGHES to piece together the broken story. TFO Brantley asked HUGHES again where the funeral was held. HUGHES stated "I already told you once, Pittsburgh." HUGHES then stated that he no longer wanted to talk to TFO Brantley anymore about his uncle Jim due to emotional pain. TFO Brantley asked HUGHES for the rental agreement for the vehicle. The rental agreement stated that the vehicle was due back at 12:00 p.m. that day (December 16, 2014).

6. TFO Brantley returned to the patrol vehicle and spoke with TFO Modrusic. TFO Brantley informed TFO Modrusic that HUGHES and WISNIEWSKI provided two different locations for their uncle Jim's funeral and that they were unable to provide specific details relating to their story.

7. TFO Modrusic and TFO Brantley got back inside of the patrol vehicle with WISNIEWSKI. TFO Modrusic asked WISNIEWSKI if there was anything illegal inside of their vehicle. WISNIEWSKI said no. TFO Modrusic asked WISNIEWSKI if the officers could search the vehicle for contraband and WISNIEWSKI said no. TFO Modrusic asked if they could contact a



K9 Officer to respond and conduct a K9 sniff of the vehicle and WISNIEWSKI said "I don't care." WISNIEWSKI asked what the reasons were for requesting to search. TFO Brantley asked WISNIEWSKI if he went to the funeral with HUGHES and WISNIEWSKI said yes. TFO Brantley asked WISNIEWSKI where the funeral was held at and WISNIEWSKI said Indianapolis, Indiana. TFO Brantley told WISNIEWSKI that HUGHES told him the funeral was held in Pittsburgh, Pennsylvania. TFO Brantley asked WISNIEWSKI why HUGHES would tell him the funeral was in Pittsburgh, Pennsylvania, but he (WISNIEWSKI) tells TFO Brantley that they only went to Indianapolis. WISNIEWSKI stated "I did only go to Indianapolis, but the funeral was actually held in Pittsburgh. Jay (HUGHES) dropped me off in Indianapolis and drove to the funeral." TFO Brantley asked WISNIEWSKI why he stayed in Indianapolis while HUGHES drove to the funeral in Pittsburgh without him. WISNIEWSKI stated "Oh, I stayed with our family there." TFO Brantley told WISNIEWSKI that he and HUGHES had both told TFO Brantley earlier that they both went to their uncle Jim's funeral and that they were both very close to uncle Jim. WISNIEWSKI did not respond. TFO Brantley asked if WISNIEWSKI was now telling TFO Brantley that WISNIEWSKI stayed with other family members of his uncle Jim's in Indianapolis, while HUGHES drove to Pittsburgh for the funeral. WISNIEWSKI stated "Yes. Because some of our family members were too sick to drive, so I had to take care of them. Like our grandma who is ninety-seven."

8. TFO Modrusic exited the patrol vehicle and contacted Task Force K9 Officer Kale Pirtle (TFO Pirtle) and TFO Jesse Fulkerson (TFO Fulkerson) to assist with a K9 sniff of the vehicle. TFO Modrusic also contacted Team Leader TFO Kevin Thebeau (TFO Thebeau) and TFO Matt Plassman (TFO Plassman) and informed them of the details of the stop. A short time later TFO Pirtle, TFO Fulkerson, TFO Thebeau and TFO Plassman arrived on scene.

9. TFO Brantley exited the patrol vehicle and re-approached the vehicle to speak with HUGHES. TFO Brantley saw that HUGHES had lit a cigarette and his hand was shaking. TFO Brantley asked HUGHES if he would grant TFO Modrusic and TFO Brantley consent to search their vehicle. HUGHES became angry and asked why TFO Brantley was asking. TFO Brantley explained to HUGHES about the odd story told by him and WISNIEWSKI. TFO Brantley believed that the odd details within the story were significant and common in criminal activity. HUGHES started to raise his voice at TFO Brantley and said that TFO Brantley could not search the vehicle without a search warrant. TFO Brantley observed HUGHES' nervousness increasing and noticed HUGHES' cigarette had a large amount of ashes hanging from the tip.

10. TFO Brantley returned to the patrol vehicle and spoke with WISNIEWSKI. While speaking with WISNIEWSKI, HUGHES exited the vehicle and walked back to the patrol vehicle. TFO Brantley exited the patrol vehicle to speak with HUGHES. HUGHES told TFO Brantley that HUGHES could contact his father to prove his uncle Jim had passed away. TFO Brantley told HUGHES there was no need for him to do that and asked HUGHES to have a seat back inside his vehicle. HUGHES sat back inside his vehicle.

11. TFO Modrusic and TFO Brantley met with TFO Pirtle and TFO Pirtle requested for HUGHES to exit the vehicle for TFO Pirtle's K9 Dallas to conduct a proper sniff. HUGHES exited the vehicle and TFO Pirtle explained to HUGHES the process of the K9 sniff and checked HUGHES for weapons. HUGHES told TFO Pirtle that he had a knife in his pocket and TFO Pirtle removed it. Upon removal of the knife, TFO Pirtle removed a bundle of United States currency with rubber bands around it. TFO Pirtle asked HUGHES if it was okay to place his knife on the passenger seat with his money and HUGHES replied yes. TFO Pirtle walked HUGHES back to his

patrol vehicle and allowed HUGHES to sit inside to stay warm.

12. TFO Pirtle removed K9 Dallas from his patrol vehicle and conducted a K9 sniff of the vehicle driven by WISNIEWSKI. K9 Dallas immediately alerted to the driver's side rear door seam for the odor of illegal narcotics. TFO Pirtle secured K9 Dallas back into his patrol vehicle.

13. Upon searching the vehicle, TFO Thebeau opened the trunk and located two wrapped presents. TFO Plassman was speaking with HUGHES about the contents within the vehicle. HUGHES advised TFO Plassman that the suitcase belonged to him, and the two Christmas wrapped gifts had been given to him by his father, John Hughes, to be delivered to family members in Colorado. TFO Thebeau removed the wrapping paper and opened one of the presents to find a fleece blanket. TFO Thebeau raised the blanket out of the box and two clear vacuum sealed bags containing a large amount of United States currency fell out. TFO Thebeau informed TFO Brantley and the other TFO's of the currency and to place handcuffs on WISNIEWSKI and HUGHES.

14. TFO Brantley and TFO Pirtle placed handcuffs on WISNIEWSKI and secured him in the rear passenger side of their patrol vehicle. TFO Fulkerson placed handcuffs on HUGHES and secured him in the rear passenger side seat of TFO Pirtle's patrol vehicle.

15. For safety concerns, the officers decided to transport the vehicle to the Pontoon Beach, Illinois Police Department to conduct a more thorough search. Officers closed the trunk of the vehicle and kept all items secured in their original location for transport. TFO Brantley then operated WISNIEWSKI and HUGHES' vehicle while TFO Pirtle and TFO Fulkerson transported HUGHES and TFO Modrusic transported WISNIEWSKI.

16. Upon arrival at the Pontoon Beach, Illinois Police Department, TFO Brantley and the other TFO's completed a detailed search of the vehicle. Inside the trunk was another identical



shaped present. TFO Thebeau opened the other present and located another vacuum sealed bag containing a large amount of United States currency. Both vacuum sealed bags were wrapped in Disney Frozen blankets. A large piece of luggage containing miscellaneous clothing was also located inside of the trunk. Upon searching the luggage officers located additional United States currency inside with a bundle hidden in a shaving kit and a black pellet gun in a holster. Behind the passenger side seat was a maroon and black duffel bag. Inside the duffel bag were additional bundles of United States currency. Two of the bundles found inside the duffel bag were hidden in a pair of men's jeans and a gray sock. Inside of the duffel bag was the appearance and smell of marihuana. There was residue marihuana at the bottom of the duffel bag. On the back floor of the vehicle was a box of surgical gloves. There were also two motel receipts inside the vehicle from Motel 6 located at 884 Schechter Drive, Wilkes-Barre, Pennsylvania 18702. The receipts documented the purchase of a hotel room by WISNIEWSKI on December 14, 2014 and December 15, 2015. The motel receipts contradicted WISNIEWSKI's claim to have not been in Pennsylvania. Officers also located four cellular telephones within the vehicle.

17. After completing the search of the vehicle, a total of three vacuum sealed bags and seven rubber banded bundles containing United States currency were located. The United States currency was placed together in a clear plastic evidence bag and sealed by TFO Pirtle and TFO Fulkerson.

18. Upon interviewing WISNIEWSKI he was read his Miranda rights by TFO Thebeau at which time WISNIEWSKI advised he understood his rights and was willing to speak with officers. TFO Thebeau asked WISNIEWSKI which phone seized out of the vehicle belonged to WISNIEWSKI and WISNIEWSKI pointed to the green Samsung advising that was his phone.

TFO Thebeau asked WISNIEWSKI if he would consent to a search of his cell phone and WISNIEWSKI advised he would not. TFO Thebeau advised WISNIEWSKI that his phone would be seized and a search warrant was going to be applied for. TFO Thebeau asked WISNIEWSKI if any of the currency seized in the vehicle belonged to WISNIEWSKI and WISNIEWSKI advised that he had \$10,000.00 in United States currency in the maroon bag that was in the back seat of the vehicle. TFO Thebeau explained that there was a large amount of currency seized from the vehicle in the trunk and WISNIEWSKI advised he knew nothing of the currency. TFO Plassman presented WISNIEWSKI with a disclaimer form and explained the form. WISNIEWSKI then advised that he understood the form and signed it disclaiming the currency. TFO Thebeau asked WISNIEWSKI to explain his trip with HUGHES from the day they left. WISNIEWSKI explained that he lived in Nederland, Colorado and his friend HUGHES lived in Durango, Colorado. WISNIEWSKI stated that HUGHES was actually his cousin and HUGHES had rented a vehicle in Durango and picked WISNIEWSKI up in Nederland so they could attend a funeral for their uncle Jim in Indianapolis, Indiana. TFO Thebeau asked WISNIEWSKI what day he had left his home and WISNIEWSKI stated he was not sure, but he believed it may have been Friday, December 12, 2014. WISNIEWSKI stated that they drove straight through to Indianapolis and upon arriving he rented his own room at an unknown hotel while HUGHES rented his own room. WISNIEWSKI stated that the next morning he awoke and had no contact with HUGHES and never saw him. TFO Thebeau asked WISNIEWSKI where HUGHES went. WISNIEWSKI replied that he did not know and did not care. WISNIEWSKI advised he was also there to sell his Grateful Dead guitar to a man named Jim who was a friend of his father. When asked what Jim's last name was, WISNIEWSKI stated he believed it started with the letter "M" but was not sure. WISNIEWSKI then advised that



he met Jim at a Motel 6 in Room 302 and sold him the guitar for \$10,000.00. When asked how he got to the motel since HUGHES was gone, WISNIEWSKI advised that he called a friend, John Albright, that lived in Indianapolis for a ride. WISNIEWSKI advised that after selling the guitar he simply hung out at the Motel 6. WISNIEWSKI stated he attended his uncles funeral on Sunday at 12:30 but was unsure of the name of the funeral home. WISNIEWSKI stated he then left Indianapolis on Monday with HUGHES before 4pm and drove a couple of hours before stopping at a rest area. WISNIEWSKI stated after resting he started to drive again and only a few hours later was stopped by our officers. TFO Thebeau explained to WISNIEWSKI that Indianapolis is only six hours away from the area they were stopped and his time line was off. WISNIEWSKI then seemed confused and advised he did not understand and believed he should talk to his attorney. WISNIEWSKI was presented with the seized currency in the evidence bag and WISNIEWSKI signed the bag. The interview was ended.

19. TFO Thebeau and TFO Plassman then conducted an interview with HUGHES. TFO Plassman advised HUGHES of his Miranda rights. HUGHES advised he wished to speak with his attorney. TFO Thebeau advised HUGHES that his three phones were being seized and a search warrant was going to be sought. HUGHES was presented with a disclaimer form and he refused to sign it. HUGHES was then presented with the seized currency in the evidence bag and he refused to sign it.

20. TFO Victor White (TFO White) contacted Samir Patel, who is the manager of the Motel 6 in Wilkes-Barre, Pennsylvania. Mr. Patel told TFO White that he remembered WISNIEWSKI and another male rented room number 302 at his hotel on December 14th and December 15th. Mr. Patel said he also remembered a strong odor of marihuana coming from

WISNIEWSKI. Mr. Patel faxed TFO White a copy of Motel 6's documentation showing WISNIEWSKI stayed at the hotel.

21. Agents located possible addresses in Asheville, North Carolina and Aurora, Colorado for HUGHES' father, John Michael Hughes. John Michael Hughes was also indexed in an older DEA drug case where he was arrested in Conway, Texas in October of 2012 while in possession of 100 pounds of high grade marihuana and a small amount of cocaine. HUGHES was mentioned in an older DEA report in October of 2012, as being involved in the trafficking of marihuana and money laundering.

22. The seized currency was counted and totaled \$96,480.00.

23. Based on the foregoing, declarant further believes that the subject-matter \$96,480.00 in United States Currency is property which constitutes money furnished or intended to be furnished by a person in exchange for a controlled substance, or proceeds traceable to such an exchange, or money used to facilitate a violation of 21 U.S.C. § 801 *et seq.*

Executed on this 22<sup>nd</sup> day of May, 2015.



KEVIN THEBEAU  
Task Force Officer  
Drug Enforcement Administration